

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

TIMOTHY CHARLTON,

Petitioner,

v.

CIVIL ACTION NO. 2:23-cv-00743

SHAWN STRAUGHN,

Respondent.

ORDER

Pending before the Court is Respondent Shawn Straughn's Motion to Dismiss the Petitioner's § 2254 Petition. (ECF No. 16.) By Standing Order, this matter was referred to United States Magistrate Omar J. Aboulhosn for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 6.) On October 21, 2024, Magistrate Judge Aboulhosn filed his PF&R recommending that this Court grant Respondent's motion to dismiss because the petition was untimely. (ECF No. 24.)

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on November 7, 2024. (ECF No. 24.) To date, Petitioner has not filed any objections, thereby waiving *de novo* review of Magistrate Judge Aboulhosen's PF&R. Accordingly, the Court **ADOPTS** the PF&R, (*id.*), and **DISMISSES** the action **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 24, 2025



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE